

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

HOWARD SULLIVAN,

Petitioner,

-v.-

Civil Action No.
9:04-cv-444 (GLS/VEB)

SUPERINTENDENT, Elmira
Correctional Facility,

Respondent.

APPEARANCES:

OF COUNSEL:

FOR THE PETITIONER:

HOWARD SULLIVAN
Plaintiff Pro Se
00-A-1012
Green Haven Correctional Facility
P.O. Box 4000
Stormville, New York 12582-0010

FOR THE RESPONDENT:

HON. ANDREW M. CUOMO
Attorney General for the State
of New York
Attorney for Respondent
The Capitol
Albany, New York 12224

MICHAEL G. MCCARTIN
Assistant Attorney General

GARY L. SHARPE,
U.S. DISTRICT JUDGE

ORDER

The above-captioned matter comes to this court following a Report-Recommendation by Magistrate Judge Victor E. Bianchini, duly filed January 2, 2008. Following ten days from the service thereof, the Clerk has sent the file, including any and all objections filed by the parties herein.

No objections having been filed, and the court having reviewed the Magistrate Judge's Report-Recommendation for clear error, it is hereby

ORDERED, that the Report-Recommendation of Magistrate Judge Victor E. Bianchini filed January 2, 2008 is ACCEPTED in its entirety for the reasons state therein, and it is further

ORDERED, that the petitioner's final claim for habeas relief is DENIED and the petition is DISMISSED, and it is further

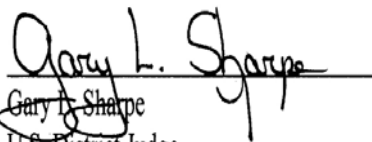
ORDERED, that since the petitioner has failed to make a substantial showing of a denial of a constitution right, a certificate of appealability will not be issued, and it is further

ORDERED, that the clerk enter judgment in favor of the respondent, and it is further

ORDERED, that the Clerk serve a copy of this order on all parties by regular mail.

IT IS SO ORDERED

Dated: January 24, 2008
Albany, New York



Gary L. Sharpe
U.S. District Judge